



QUALCOMM Incorporated

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August 24, 2005

Via ECFS

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Oral Ex Parte Presentation in WT Docket No. 05-7

Dear Ms. Dortch:

On behalf of QUALCOMM Incorporated ("QUALCOMM"), this is to report that yesterday, Jennifer McCarthy and I of QUALCOMM, along with Veronica Ahern of Nixon Peabody LLP and Mark Wallace of Akerman Senterfitt met with Emily Willeford and Fred Campbell of Chairman Martin's staff to discuss QUALCOMM's Petition for Declaratory Ruling in the above-referenced proceeding.

During the discussion, we provided background information on the MediaFLO service that QUALCOMM, through its MediaFLO USA subsidiary, is launching on its Channel 55 spectrum, and we explained the vague aspects of Section 27.60 (b) (iii) of the Commission's rules—the fact that while the rule allows QUALCOMM to submit an engineering study to justify the proposed separations, the rule does not specify the methodology to calculate interference to affected adjacent channel or co-channel TV/DTV stations; does not establish a level of *de minimis* interference, and does not explain how the Commission would process these engineering studies. To fill in these gaps in the rule, we asked for the relief requested in QUALCOMM's Petition, namely that: (i) QUALCOMM be permitted to use the OET 69 methodology, which is well known to the Commission and the TV industry, to calculate interference; (ii) interference of 2% or less from QUALCOMM's MediaFLO service to adjacent channel or co-channel TV/DTV stations be deemed *de minimis*, the same rule that governs interference from one DTV station to another on the same Channel 55 spectrum; and (iii) the Commission adopt streamlined processing of the engineering studies.

We explained that it is entirely appropriate for the Commission to clarify the vague aspects of its rule and to fill in the missing gaps with more detail as to how it will apply to MediaFLO by issuing a declaratory ruling, rather than having to engage in a rulemaking. The requested declaratory ruling is not inconsistent with the existing rule.

Finally, we stressed the need for an expeditious ruling on the Petition.
QUALCOMM
plans to launch MediaFLO in the second half of 2006, and as a result, it is
imperative that the Commission rule soon on the Petition.

Respectfully submitted,

/s/ Dean R. Brenner

Dean R. Brenner
Senior Director, Government Affairs
QUALCOMM Incorporated

Cc: Emily Willeford
Fred Campbell